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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,281	04/18/2001	Eilon Riess	11927/46001	5466
23838	7590	07/03/2006	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			THANGAVELU, KANDASAMY	
			ART UNIT	PAPER NUMBER
			2123	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	09/836,281	RIESS ET AL.	
	Examiner	Art Unit	
	Kandasamy Thangavelu	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 10 May 2006 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

The Examiner has reviewed the communication dated May 10, 2006 with his Supervisor. As pointed out by the applicant's attorney, the claims have been interpreted by the examiner based on specification Para 6, which states that High order constellation means constellations having more than two constellation points. Since this information is of record and has been confirmed by the attorney and the Examiner it was not put in the reasons for allowance, since such interpretation was not used to make a decision on the allowability of the application. The Examiner and his supervisor have reviewed the applicant's communication of May 10, 2006 and concluded that no further action is required by this office to record that high order constellation means constellations having more than two points.

KY Thangavelu
6/24/06